

UNPUBLISHEDUNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 08-1512

LOUISIANA PLACE ASSOCIATES, LLC; WOOD ROBERTS, LLC; ROMAN
CATHOLIC BISHOP OF SANTA ROSA CALIFORNIA, THE; TINY LITTLE
INVESTMENT CLUB; BRISTOL AIR INC.,

Plaintiffs - Appellees,

v.

MARK ANTHONY STROUPE, d/b/a Practical Holdings Limited,

Defendant - Appellant,

and

PRACTICAL HOLDINGS LIMITED; SUSIE ELAINE STROUPE; FIRST
SPRINGFIELD, First Springfield Securities Inc.; FIRST
SPRINGFIELD, First Springfield Securities Limited; DONALD E.
RADLE; GEORGE J. DAVIS,

Defendants.

Appeal from the United States District Court for the District of
South Carolina, at Charleston. David C. Norton, District Judge.
(2:99-cv-00586-DCN)

Submitted: October 21, 2008

Decided: October 23, 2008

Before MICHAEL, TRAXLER, and DUNCAN, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Mark Anthony Stroupe, Appellant Pro Se. William C. Cleveland, III, BUIST, MOORE, SMYTHE, MCGEE, PA, Charleston, South Carolina; Thomas Stuart White, HAYNSWORTH, SINKLER & BOYD, PA, Charleston, South Carolina, for Appellees.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Mark Anthony Stroupe seeks to appeal the district court's orders denying his motion requesting an order to show cause as to why the Plaintiffs should not be held in contempt of court and his motion for relief from judgment, and denying reconsideration thereof. We dismiss the appeal for lack of jurisdiction because the notice of appeal was not timely filed.

Parties are accorded thirty days after the entry of the district court's final judgment or order to note an appeal, Fed. R. App. P. 4(a)(1)(A), unless the district court extends the appeal period under Fed. R. App. P. 4(a)(5), or reopens the appeal period under Fed. R. App. P. 4(a)(6). See 28 U.S.C. § 2107 (2000). This appeal period is "mandatory and jurisdictional." Browder v. Dir., Dep't of Corr., 434 U.S. 257, 264 (1978) (quoting United States v. Robinson, 361 U.S. 220, 229 (1960)). Accord Bowles v. Russell, 127 S. Ct. 2360 (2007).

The district court's order denying reconsideration was entered on October 25, 2007.¹ The notice of appeal was filed on

¹ The district court's order denying the motion for a show cause order and the motion for relief from judgment was entered on October 12, 2007. Stroupe timely filed a Fed. R. Civ. P. 59(e) motion for reconsideration, which was denied on October 25, 2007. Pursuant to Fed. R. App. P. 4(a)(4)(A), the thirty day appeal period runs from the date of entry of the order denying the Rule 59(e) motion.

April 24, 2008.² Because Stroupe failed to file a timely notice of appeal or to obtain an extension or reopening of the appeal period, we dismiss the appeal. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

DISMISSED

² For the purpose of this appeal, we assume that the date appearing on the notice of appeal is the earliest date it could have been properly delivered to prison officials for mailing to the court. Fed. R. App. P. 4(c); Houston v. Lack, 487 U.S. 266 (1988).